

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Town of Truckee to construct a new pedestrian and bicycle underpass at MP 204.64, Roseville Subdivision, Union Pacific Railroad, adjacent to and within the right-of-way of SR-89, Town of Truckee, Nevada County, State of California.

Application 14-02-002
(Filed February 4, 2014)

**DECISION AUTHORIZING THE TOWN OF TRUCKEE TO
CONSTRUCT A NEW GRADE-SEPARATED STRUCTURE
UNDER TWO TRACKS OWNED BY UNION PACIFIC
RAILROAD IN THE TOWN OF TRUCKEE, COUNTY OF NEVADA**

Summary

This decision grants the Town of Truckee authorization to construct a new grade-separated pedestrian-rail crossing under two tracks owned by the Union Pacific Railroad in the Town of Truckee in Nevada County. The new crossing will be identified as CPUC Crossing No. 001A-204.64-B.

Discussion

The Town of Truckee (Town) requests authority to construct a new grade-separated pedestrian-rail tunnel structure under two tracks owned by Union Pacific Railroad (UPRR) in the Town in Nevada County. The tracks are on a 30-foot high embankment at this location. The need for this project is a result of the existing State Route 89 Underpass tunnels' inability to effectively accommodate both vehicle traffic and pedestrians or non-motorized vehicle users, especially during periods of peak traffic. The existing State Route 89 Underpass tunnel, CPUC Crossing No. 001A-206.70-B, is 25 feet wide and 68 feet long and

accommodates two lanes of traffic, one in each direction, with no shoulders. Currently trucks, buses, emergency vehicles, pedestrians, and bicyclists must share the two lanes within the tunnel. The Town states that the proposed tunnel will provide bicycles and pedestrians a safer alternative to using the existing narrow two-lane roadway tunnel. Staff concurs that a separate tunnel for pedestrians and non-motorized vehicles offers a safer alternative to the shared mixed-use capabilities of the existing structure.

The proposed pedestrian tunnel will be approximately 60 feet long, 12 feet wide and 10 feet high and be equipped with lighting. The tunnel will span under two tracks of the UPRR at an approximate 80-degree skew angle. The tunnel itself will be a cast-in-place concrete box that, once constructed, will be slid underneath the tracks without interruption of rail service. The tunnel structure will be located just east of and adjacent to the State Route 89 roadway tunnel.

The crossing will be identified as CPUC Crossing No. 001A-204.64-B. Current rail operations consist of an average of 20 freight and 2 passenger trains per day at a maximum speed of 79 miles per hour.

Environmental Review and CEQA Compliance

The California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000, et seq.) applies to discretionary projects to be carried out or approved by public agencies. A basic purpose of CEQA is to inform governmental decision-makers and the public about potential, significant environmental effects of the proposed activities. Since the project is subject to CEQA and the California Public Utilities Commission (Commission) must issue a discretionary decision in order for the project to proceed (i.e., the Commission has the exclusive authority to approve the project pursuant to Section 1202 of the

Public Utilities Code), the Commission must consider the environmental consequences of the project by acting as either a lead or responsible agency under CEQA.

The lead agency is either the public agency that carries out the project,¹ or the one with the greatest responsibility for supervising or approving the project as a whole.² Here, the California Department of Transportation (Caltrans) is the lead agency for this project because they prepared the environmental documents, and the Commission is a responsible agency because it has jurisdiction to issue a permit for the project. As a responsible agency under CEQA, the Commission must consider the lead agency's environmental documents and findings before acting on or approving this project.³

The Town reviewed the Caltrans findings and adopted them for the purposes of this project.

In April 2011, Caltrans issued the Initial Study/Negative Declaration (IS/ND) for the State Route 89 Bicycle and Pedestrian Improvements Project. The IS/ND determined that the proposed project would not have a significant effect on the environment for the following reasons:

1. The proposed project would have no impact on agriculture and forest resources, air quality, cultural resources, geology and soils, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, and utilities.

¹ CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(a).

² CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

³ CEQA Guidelines, Sections 15050(b) and 15096.

2. The proposed project would have no impact on jurisdictional waters, special status species, and riparian vegetation with the implementation of avoidance and minimization measures.
3. The proposed project would have a less-than-significant impact or no impact on migratory birds, water quality, hazardous waste/materials, and scenic resources with the implementation of avoidance and minimization measures.

The Commission reviewed and considered Caltrans' IS/ND as they relate to this grade-separated pedestrian-rail tunnel structure and find them adequate for our decision-making purposes.

Filing Requirements and Staff Recommendations

This application is in compliance with the Commission's filing requirements including Rule 3.7 of the Rules of Practice and Procedure, which relates to the construction of a public road across a railroad.

The Commission's Safety and Enforcement Division, Office of Rail Safety - Rail Crossings Engineering Section has inspected the site of the proposed crossing, reviewed and analyzed the plans submitted with the application, and recommends that the requested authority to construct the subject grade-separated pedestrian-rail tunnel structure be granted for a period of three years.

Categorization and Need for Hearings

In Resolution ALJ 176-3331, dated February 27, 2014, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. There is no apparent reason why the application should not be granted. Given

these developments, it is not necessary to disturb the preliminary determinations.

Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Assignment of Proceeding

Denise Tyrell is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on March 13, 2014. There are no unresolved matters or protests. A public hearing is not necessary.
2. The Town requests authority, under Public Utilities Code Sections 1201-1205, to construct a new grade-separated pedestrian-rail tunnel structure under two tracks owned by UPRR in the Town of Truckee in Nevada County. This new grade-separated pedestrian-rail tunnel structure will be identified as CPUC Crossing Number 001A-204.64-B.
3. Caltrans is the lead agency for this project under CEQA.
4. In April 2011, Caltrans issued the IS/ND for the project which states, " The proposed project would have minimal or no effect on agriculture and forest resources, air quality, cultural resources, geology and soils, land use and planning, mineral resources, noise, population and housing, public services, recreation, and utilities. The proposed project would have no effect on jurisdictional waters, special status species, and riparian vegetation with the

implementation of avoidance and minimization measures. The proposed project would have no adverse effect on migratory birds, water quality, hazardous waste/materials, and scenic resources with the implementation of avoidance and minimization measures.”

5. There were no negative impacts identified that relate to transportation and safety in the grade-separated crossing requested in this application.

6. The Town reviewed the Caltrans findings and adopted them for the purposes of this project.

7. The proposed grade-separated tunnel for pedestrians and non-motorized vehicles offers a safer alternative to the existing mixed-use underpass tunnel.

8. The Commission is a responsible agency for this project and has reviewed and considered the lead agency’s IS/ND.

9. The IS/ND reflect the Commission’s independent judgment and analysis.

Conclusions of Law

1. The IS/ND prepared by Caltrans as the documentation required by CEQA for the project are adequate for our decision-making purposes. The State Route 89 Bicycle and Pedestrian Improvements Project will not have significant effect on the environment.

2. The IS/ND were completed in compliance with CEQA.

3. The application is uncontested and a public hearing is not necessary.

4. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The Town of Truckee is authorized to construct a new grade-separated pedestrian-rail tunnel structure under two tracks owned by the Union Pacific

Railroad Company in the Town of Truckee in Nevada County. This new grade-separated crossing shall be identified as CPUC Crossing No. 001A-204.64-B.

2. The Town of Truckee shall notify the California Public Utilities Commission's Safety and Enforcement Division, Office of Rail Safety – Rail Crossings Engineering Section at least five (5) business days prior to opening the grade-separated pedestrian-rail crossing tunnel structure. Notification must be made to rces@cpuc.ca.gov.

3. Within 30 days after completion of the work under this order, the Town of Truckee shall notify the Rail Crossings Engineering Section in writing, by submitting a completed Commission Standard Form G (*Report of Changes at Highway Grade Crossings and Separations*), of the completion of the authorized work. Form G requirements and forms can be obtained at the California Public Utilities Commission web site Form G page at <http://www.cpuc.ca.gov/formg>. This report may be submitted electronically to rces@cpuc.ca.gov as outlined on the web page.

4. Within 30 days after completion of the work under this order, Union Pacific Railroad Company shall notify the Federal Railroad Administration of the existence of the pedestrian path under track crossing by submitting a U.S.DOT CROSSING INVENTORY FORM, form FRA F6180.71. Concurrently Union Pacific Railroad Company shall provide a copy of the inventory form to the California Public Utilities Commission's Safety and Enforcement Division, Office of Rail Safety – Rail Crossings Engineering Section. This copy of the form may be submitted electronically to rces@cpuc.ca.gov.

5. The Town of Truckee shall comply with all applicable rules, including California Public Utilities Commission General Orders and the California Manual on Uniform Traffic Control Devices.

6. This authorization shall expire if not exercised within three years, unless time is extended or if the above conditions are not satisfied. The California Public Utilities Commission may revoke or modify this authorization if public convenience, necessity, or safety so require.

7. A request for extension of the three-year authorization period must be submitted to the Rail Crossings Engineering Section at least 30 days before the expiration of that period. A copy of the request must be sent to all interested parties.

8. The application is granted as set forth above.

9. Application 14-02-002 is closed.

This order is effective today.

Dated _____, at San Francisco, California.